IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 16377 of 2004

Between:

1 Karri Krishna, S/o Suryanarayana,
Kakinada Rural Mandal, East Godavari District R/o D.No.7-6-19, Near Abala Santhi Bhavan,
Karrivari Street, Ramaraopet, Kakinada
2 .Suri Babu, S/o Prakash Rao,
Torangi Panchayat, Kakinada Rural Mandal, E.G.District, R/o D.No.8-105, Rajula Torangi,
Kakinada, East Godavari District

..... PETITIONER(S)

AND

1 The District Collector, (Panchayat Raj Wing), East Godavari District at Kakinada
District Panchayat Raj Office, N.F.C.L. Road, Kakinada
2 Executive Officer, Torangi Grampanchayat, Torangi,
Kakinada Rural Mandal, East Godavari District
3 The Secretary, Govt.of A.P. Secretariat (Planning & Finance Department),
Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Certiorari or any other appropriate Writ, calling for the records relating to O.A.No.5927/2001 and direct the Hon'ble A.P.Admn.Tribunal to restore main O.A.to its file by quashing the impugned order dated 20-08-2004.

Counsel for the Petitioner: MR.CH.DHANAMJAYA

Counsel for the Respondents: GP FOR SERVICES I

The Court made the following :

ORAL ORDER (Per Hon'ble Sri Justice G.Bikshapathy)

1. This writ petition is filed assailing the order passed by the A.P. Administrative Tribunal, Hyderabad in O.A.No.5927 of 2001, dated 22.7.2004.

2. The original application filed by the petitioners in O.A.5927 of 2001 was dismissed for default on 22.7.2004. Against the said dismissal order, they filed M.A.No.2543 of 2004 to set aside the default order, but however, the said M.A. was also dismissed by an order, dated 20.8.2004 observing that the order was passed on merits. Therefore, the present writ petition has been filed.

3. The learned counsel for the petitioners submits that the Tribunal ought not to have dismissed on merits without giving any opportunity to the petitioners, and therefore, the order is liable to be set aside.

4. We have heard the learned counsel for the petitioners and the learned Government Pleader for the respondents.

5. In this regard, we find from the order, dated 22.7.2004 that the matter was considered on merits in the absence of the petitioners and in the interest of the justice. The petitioners should be afforded one more opportunity to exercise the power under Article 226 of the Constitution of India. Therefore, we are inclined to set aside the order and remand the matter to the Tribunal for fresh consideration. Accordingly, the order, dated 20.8.2004 is set aside and

O.A.No.5927 of 2001 is restored back to its file. The learned Tribunal shall hear the parties and pass appropriate orders within a period of two months from the date of this order. Pending disposal of O.A. as directed, status-quo obtained as on today shall continue.

6. The writ petition is accordingly disposed of. No costs.

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(G. BIKSHAPATHY, J.)

6th December, 2004.

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(P.S. NARAYANA, J.)

bcj

To

1 The District Collector, (Panchayat Raj Wing), East Godavari District at Kakinada, District Panchayat Raj Office, N.F.C.L. Road, Kakinada
2 The Executive Officer, Torangi Grampanchayat, Torangi, Kakinada Rural Mandal, East Godavari District
3 The Secretary, Govt. of A.P. Secretariat (Planning & Finance Department), Hyderabad

4 Two C.Cs. to the Government Pleader for Services-I, High Court Buildings, Hyderabad (OUT)

5 Two C.D. copies